

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

MICAH A. SPENCE

PLAINTIFF

v.

No. 4:14-cv-524-DPM

CAROLYN FLOYD and  
SHARED A RODGERS

DEFENDANTS

ORDER

1. Spence, an inmate at the Pulaski County Regional Detention Facility, moves to proceed *in forma pauperis*. His prison account has a negative balance. The motion, No. 1, is therefore granted. Based on the balance in the account the Court will not assess any part of the fee at this time, but Spence must still pay the filing fee in full. 28 U.S.C. § 1915(b)(1). The Administrator of the Pulaski County Regional Detention Facility or his designee must make monthly payments of twenty percent of the preceding month's income credited to Spence's prison trust account each time the balance exceeds \$10.00. 28 U.S.C. § 1915(b)(2).

2. The Court must screen Spence's complaint. 28 U.S.C. § 1915(e)(2). Spence cannot sue Floyd or Rodgers under 42 U.S.C. § 1983 because they are private citizens, and there is no allegation that either of these individuals acted under color of state law. At most, Spence has pleaded state-law claims

against private actors. Spence's complaint is therefore dismissed without prejudice.

3. The Court directs the Clerk to send a copy of this Order to the Arkansas Department of Correction Trust Fund Centralized Banking Office, P.O. Box 8908, Pine Bluff, Arkansas 71611; the Arkansas Department of Correction Compliance Division, P.O. Box 20550, Pine Bluff, Arkansas 71612; and the Warden/Director of the Pulaski County Regional Detention Facility, 3201 West Roosevelt Road, Little Rock, Arkansas 72204.

So Ordered.

*D.P. Marshall Jr.*

D.P. Marshall Jr.  
United States District Judge

*22 September 2014*